

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:13CV01342 JAR
)	
THIRTY-SEVEN THOUSAND, ONE)	
HUNDRED NINETY-TWO DOLLARS)	
AND EIGHTY-EIGHT CENTS (\$37,192.88))	
SEIZED FROM REGIONS BANK,)	
ACCOUNT # ...9626,)	
)	
FIVE THOUSAND, SEVEN HUNDRED)	
NINETY-TWO DOLLARS AND)	
SIXTY-TWO CENTS (\$5,792.62))	
SEIZED FROM REGIONS BANK,)	
ACCOUNT # ...3078)	
)	
Defendant.)	

PLAINTIFF'S NOTICE OF CASE STATUS

Comes now, the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Jennifer A. Winfield, Assistant United States Attorney for said district, and states as follows:

1. On July 11, 2013, the United States of America filed a Verified Complaint for Forfeiture in the above-styled case.
2. On August 27, 2013, a claim to the Plaintiff's complaint of forfeiture was filed for the defendant property by Harry Osaghaemorgan.

3. On October 9, 2013, Harry Osaghaemorgan was indicted in cause number 4:13CR418 CDP/NAB on the charge of knowingly and intentionally caused to be dispensed and attempted to cause to be dispensed quantities of Oxycodone, Morphine and Oxymorphone, Schedule II Controlled Substance drugs, Alprazolam (Xanax) and Diazepam (Valium), Schedule IV Controlled Substance drugs, outside the scope of professional practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections 841(a)(1). Included in the indictment is a forfeiture allegation seeking the criminal forfeiture of the exact same property as the instant case.

4. On October 21, 2013, a motion to stay the civil proceedings was granted by this Honorable Court. On the same date, the Court further ordered that a status report regarding the instant action and the criminal case be filed with the Court.

5. The facts and circumstances supporting the stay of the instant action are still present. The criminal case now pending involves the same facts as the instant case, and the property alleged to be subject to civil forfeiture in this action is also subject to forfeiture in the ongoing criminal case.

6. Due to the discovery requirements in the instant case, civil discovery may adversely affect the ability of the Government to prosecute the criminal case. Continuation of this proceeding may also place unnecessary burdens on now-indicted defendants' rights against self-incrimination.

WHEREFORE, the Government respectfully requests that this Honorable Court continue the stay in this cause pending the resolution of the criminal case in Cause No. 4:13CR00418 CDP.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Jennifer A. Winfield
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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2014 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Courts electronic filing system and has been mailed, postage prepaid, to:

Harry A. Osaghaemorgan
7116 Clayton Road
Richmond Heights, MO 63117

Lucille G. Liggett
Attorney for Claimant
1010 Market Street, Suite 200
St. Louis, MO 63101

/s/ Jennifer A. Winfield
JENNIFER A. WINFIELD, #53350MO
Assistant United States Attorney